

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rule making related to claims and benefits

The Director of the Workforce Development Department hereby amends Chapter 24, “Claims and Benefits,” and Chapter 25, “Benefit Payment Control,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 96.11.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 96.

Purpose and Summary

These amendments rescind a previous change that the Department has determined was not appropriate regarding the role of the administrative law judge in determining a disqualification for failure to report at a work development center as directed. Further clarifying rules may be proposed in the future.

Also, current procedures allow for an inequity to develop in cases of overpayment in which a claimant may have exhausted the claimant’s entire claim. This rule making ensures that claimants who are overpaid do not have that overpayment eliminated by the simple addition of claim weeks the claimants would otherwise have been ineligible to receive.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 11, 2019, as **ARC 4648C**. The Notice was reviewed by the Administrative Rules Review Committee at its meeting held on October 8, 2019. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Director of the Department on October 16, 2019.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on January 22, 2020.

The following rule-making actions are adopted:

ITEM 1. Rescind paragraph **24.6(7)“f.”**

ITEM 2. Amend subrule 25.8(1), introductory paragraph, as follows:

25.8(1) *Good faith overpayment.* If an individual has acted in good faith in claiming benefits for any week and it is later determined that the individual is was not entitled to receive the benefits, the department shall recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment. During a benefit year in which the maximum benefit amount has been paid or the maximum number of weeks has been paid and an overpayment is established for any benefits paid that the individual was not entitled to during that benefit year, no additional benefits will be payable to offset the overpayment. The department shall mail the overpayment decision to the claimant's last-known address. Once the overpayment amount has been established, an overpayment schedule shall be set up to leave a proper audit trail even if the claimant pays to the department a sum equal to the overpayment.

[Filed 11/15/19, effective 1/22/20]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/18/19.